

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL WARD d/b/a BRAINTEASER
PUBLICATIONS,

Plaintiff,

vs.

BARNES & NOBLE, INC., STERLING
PUBLISHING CO., INC., FRANCIS HEANEY,
and PATRICK BLINDAUER

Defendants.

Case No. 13-CV-7851 (JMF)

JOINT PROPOSED VOIR DIRE QUESTIONS

Plaintiff Michael Ward d/b/a Brainteaser Publications and Defendants Barnes & Noble, Inc., Sterling Publishing Co., Inc., Francis Heaney, and Patrick Blindauer, as for their joint proposed *voir dire* questions, respectfully request that the following inquiries be made of the Panel during jury selection:

1. Are any of you familiar with the plaintiff Michael Ward?
2. Are any of you familiar with the plaintiff's company, Brainteaser Publications?
3. Are any of you a present or former stockholder, shareholder, director, officer or employee, or in any other manner interested in Brainteaser Publications?
4. Do any of you have any preconceived notions or opinions about Michael Ward or Brainteaser Publications?
5. Are any of you familiar with the defendant Barnes & Noble, Inc.?
6. Are any of you a present or former stockholder, shareholder, director, officer or employee, or in any other manner interested in Barnes & Noble, Inc.?
7. Are any of you familiar with the defendant Sterling Publishing Co, Inc.?

8. Are any of you a present or former stockholder, shareholder, director, officer or employee, or in any other manner interested in Sterling Publishing Co, Inc.?
9. Are any of you familiar with the defendant Francis Heaney?
10. Are any of you familiar with the defendant Patrick Blindauer?
11. Do any of you have any preconceived notions or opinions about Barnes & Noble, Inc., Sterling Publishing Co., Inc., Francis Heaney, or Patrick Blindauer?
12. Are any of you familiar with an individual named Peter Gordon?
13. Do any of you have any preconceived notions or opinions about Peter Gordon?
14. Are any of you familiar with an individual named John Woodside?
15. Do any of you have any preconceived notions or opinions about John Woodside?
16. Are any of you familiar with an individual named Tom Allen?
17. Do any of you have any preconceived notions or opinions about Tom Allen?
18. Do any of you have any negative feelings toward book retailers?
19. Do any of you have any negative feelings toward book publishers?
20. Are any of you authors?
21. Do any of you have friends or family members who are authors?
22. Are any of you book publishers?
23. Do any of you have friends or family members who are involved in book publishing?
24. Do any of you create puzzles or games for a living?
25. Do any of you have friends or family members who create puzzles or games for a living?
26. Have any of you ever applied to register a copyright with the United States Copyright Office?

27. Do any of you own one or more Certificates of Registration issued by the United States Copyright Office?

28. Have any of you ever been accused of copyright infringement?

29. Have any of you ever accused anyone of copyright infringement?

30. Have any of you played the game Hangman?

31. Have any of you played a single-player version of the game Hangman?

32. Have any of you played a single-player version of the game Hangman that involves scratching off letters like a lottery ticket?

33. Have any of you ever purchased a scratch-off Hangman book?

34. Have any of you owned a scratch-off Hangman book?

35. Are any of you familiar with the “Scratch & Solve” book series published by Sterling Publishing Co., Inc.?

36. Do any of you own a “Scratch & Solve” game book?

37. Do any of you own a game book sold under the name Michael Ward?

38. Do any of you own the game book entitled *Trivia Hangman*?

39. Do any of you own the game book entitled *Hollywood Hangman*?

40. Do any of you own the game book entitled *Science Hangman*?

41. Do any of you own the game book entitled *Geography Hangman*?

42. Do any of you own the game book entitled *Spelling Bee Hangman*?

43. Have you ever been involved in a lawsuit before, other than as a juror?

(a) If so, when?

(b) What was the nature of the case?

(c) What was the outcome?

- (d) Were you satisfied with the judicial system in that case?
- (e) If not, was there anything about that experience that would influence you in this case?

- 44. What do you do with your leisure time?
- 45. What are your hobbies and interests?
- 46. Do you play puzzle or word games?
- 47. What was the last puzzle or word game that you played?
- 48. What magazines or websites do you read or visit regularly?
- 49. What television shows do you watch regularly?
- 50. What newspapers do you read regularly?
- 51. Do you have any difficulty reading, speaking or understanding English?
- 52. Do any of you believe that you will be unable to sit for long periods of time to hear

and view evidence in this case because of physical or other issues?

- 53. Do any of you know the lawyer for Mr. Ward — Barry Janay?
- 54. Do any of you know any of the lawyers for Barnes & Noble, Sterling, Francis Heaney, and Patrick Blindauer — Louis S. Ederer, Susan Shin or Matthew T. Salzmann?
- 55. Do any of you know Mr. Ederer, Ms. Shin and Mr. Salzmann's firm, Arnold & Porter LLP? If so, what is the nature of your familiarity with them or their firm?
- 56. Do any of you believe that you cannot be impartial in deciding this case?